



Agenda Item Number: 2005-4-5D

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: April 12, 2005

Department: Infrastructure Planning and Geo Resources **Staff Contact:** Tim West, Deputy County Manager for Public Works
Steve Miller, Department Director
Raymond Orona, Rights of Way Manager

TITLE: Acquisition of Property for the Isleta Phase II Reconstruction Project

ACTION: Motion to approve the acquisition of property from Mr. and Mrs. Cruz Duran by Condemnation or Settlement Action for Rights of Way on the Isleta Phase II Reconstruction Project.

SUMMARY:

This property is needed as permanent rights of way for construction of the Isleta Phase II Reconstruction Project. The condemnation action will consist of a total land taking of 4953 square feet and all existing improvements from Mr. and Mrs. Cruz Duran.

The appraised value by the Right of Way Section of \$15,000.00 for the land and \$84,000.00 for the improvements establishes the basis for probable compensation due to these property owners. The offer to purchase was made accordingly and the owners have accepted. Although the owners accept, condemnation is required in this case because the existing mortgages on the property exceed the property value and the mortgage companies have refused compromise and/or settlement. The existing mortgage encumbrances on this property are at \$143,982.00 and the property owners do have the financial means to reconcile or cure the mortgage deficiencies. The Right of Way Section and the Real Estate Committee have considered the necessity for condemnation action and recommend that the County proceed. The details for the appraised values of this rights-of-way taking are as follows:

For Land (Parcel 7-12): 4,953 S/F @ 3.02 \$/SF = \$14,958.06 rounded to:	
Sub-Total.....	\$15,000.00
For Improvements (two house and shed): \$84,000.00	
Sub-Total.....	<u>\$84,000.00</u>
TOTAL	\$99,000.00

The County is lead agency on this project under a joint powers agreement with the New Mexico Department of Transportation.

ATTACHMENTS:

1. Parcel Descriptions
2. Zone Atlas page
3. Valuation Analysis
4. Real Estate Committee Condemnation Approval

FISCAL IMPACT

Isleta Boulevard Reconstruction BC12-538052-79FF \$99,000.

STAFF ANALYSIS SUMMARY**COUNTY MANAGER**

The Isleta Blvd. Phase II project is on schedule and this land acquisition is critical to this project. Staff has determined that this is a fair price for this property and recommends Board approval.
TL 4/6/05

DEPUTY COUNTY MANAGER FOR PUBLIC WORKS

The appraised property value combined with improvement value was offered to the property owner but declined. Condemnation action or settlement action is required for this needed right-of-way for the Isleta Phase II Project. I recommend approval. TW 3/29/05

LEGAL

Matter has been reviewed and approved by Real Estate Committee. Approved as to form only.
Deborah S. Seligman, Legal 3/29/05

FINANCE

Budget	Funding is available from Isleta Phase II Right of Way federal grant funds appropriated in the Road fund, line item BC12-538052-79FF. Maria Zuniga, Financial Projects Coordinator 3/22/05
Purchasing	No comment necessary. Rosanna Suazo, Purchasing 3/22/05
Contracts	No comment necessary. Rosanna Suazo, Purchasing 3/22/05
Risk Management	No comment necessary. David Baca, Risk Management 3/28/05